

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Walter H. Günzburg and Brian Salmons

Application No.: 09/965,135

Group Art Unit:1648

Filed: September 27, 2001

Examiner: Not Assigned

Title: Novel Recombinant DNA Vectors For Gene Therapy

RECEIVED

MAR 21 2002

TECH CENTER 1600/2900



|   |                     |
|---|---------------------|
| CERTIFICATE OF MAILING  |                     |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202 |                     |
| on <u>3/13/02</u>   | <u>Jenine Crump</u> |
| Date  | Signature           |
| <u>Jenine Crump</u>   |                     |
| Typed or printed name of person signing certificate   |                     |

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☐ Copies of the cited references are enclosed.
  - ☒ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. 08/925,214, to which priority under 35 U.S.C. 120 is claimed. Copies of the cited references AV3-AZ3 and AR4-AT4 are enclosed. U.S. Application No. 08/925,214 contains copies of the other cited references.
  - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☐ The "concise explanation" requirement (non-English references) for reference(s) [       ] under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ the enclosed English language abstract.


[X] Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

SF U.S. Patent Application Serial No.: 08/808,827, filed February 28, 1997, entitled "Non Self-Inactivating, Expression Targeted Retroviral Vectors," by Walter H. Günzburg, *et al.*;  
Attorney's Docket No.: 2316.1001-000 (GSF97-01A)

SF U.S. Patent Application Serial No.: 08/999,690, filed September 8, 1997, entitled "Vectors Carrying Therapeutic Genes Encoding Antimicrobial Peptides for Gene Therapy," by Walter H. Günzburg, *et al.*;  
Attorney's Docket No.: 2316.1003-000 (GSF97-03A)

SF U.S. Patent Application Serial No.: 09/035,596, filed March 5, 1998, entitled "The Use of the WAP or MMTV Regulatory Sequences for Targeted Expression of Linked Heterologous Genes in Human Mammary Cells, Including Human Mammary Carcinoma Cells," by Walter H. Günzburg, *et al.*;  
Attorney's Docket No.: 2316.1007-000 (GSF98-01A)

  
\_\_\_\_\_  
Examiner

10/17/93  
\_\_\_\_\_  
Date

- [ ] A copy of each above-cited application, including the current claims, is enclosed.
- [X] A copy of each above-cited application, including the current claims, is not enclosed, since each application was entered in prior application, U.S. Application No. 08/925,214, to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

## Method of payment:

- [ ] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- [ ] Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- [X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins  
Anne J. Collins  
Registration No.: 40,564  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: *March 13, 2002*